HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 17448 of 2006

Between:

Y.Venkateswara Rao and others

…Petitioners

AND

The Government of Andhra Pradesh, represented
by its Principal Secretary,
Revenue Department, Hyderabad and others.

…Respondents

Counsel for the petitioners: Smt K.Udaya Sri

Counsel for Respondents: Government Pleader for Revenue

Dated: 11-9-2006

ORDER:

Per G.S.Singhvi, CJ

In this petition, the petitioners have prayed for striking down Section 22-A of the Registration Act, 1908 (for short 'the Act') as inserted by A.P. Amendment Act 4 of 1999 and Rule 2(b) of the Andhra Pradesh Registration (Prohibition of Registration of Certain Documents Opposed to Public Policy) Rules, 1999. They have further prayed for grant of a declaration that the endorsement made by Sub-Registrar of Assurances, Gopalapatnam, Visakhapatnam District on 1-5-2006 is illegal.

Learned counsel for the petitioners relied upon order dated 28-1-2006 passed in Writ Petition No. 1554 of 2006 (**N.Koteswar Rao and others v. The Government of Andhra Pradesh and others**) and submitted that this writ petition may be disposed of in similar terms.

Learned Government Pleader for Revenue fairly states that Petition for Special Leave to Appeal (Civil) No. 11984 of 2006 filed by the State of Andhra Pradesh against order dated 7-12-2005 passed in Writ Petition Nos. 14099, 19934 and 20126 of 2003, 17113, 11877, 11312 and 12830 of 2004, 20572, 20126 of 2005 has been dismissed by the Supreme Court on 11-8-2006.

In view of the above, the writ petition is allowed in terms of order dated 7-12-2005 passed in Writ Petition No.14099 of 2003 and batch and order dated 28-1-2006 passed in Writ Petition No.1554 of 2006. The detailed reasons recorded in those orders shall be read as part of this order.

With a view to obviate further litigation on the same subject matter, we direct Principal Secretary, Revenue Department, Government of Andhra Pradesh to immediately issue written instructions to all the District Collectors, Sub-Registrars of Assurances and other concerned authorities not to insist on compliance of Section 22-A of the Act and the rules framed thereunder. The needful be done within a period of 7 days from the date of receipt of copy of this order by the Revenue Secretary.

G.S.SINGHVI, CJ

11th September, 2006

C.V.NAGARJUNA REDDY, J

Note:
The Court Officer is directed to give attested copy of this order to the learned Government Pleader for being communicated to Revenue Secretary, Government of Andhra Pradesh.

GRR